

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MURRAY RUBINSTEIN, JEFFREY F. ST.)	
CLAIR, WILLIAM MCWADE, HARJOT)	
DEV and VIKAS SHAH, Individually and on)	No. 14-cv-9465
Behalf of All Others Similarly Situated,)	
)	
Plaintiffs,)	Judge Robert M. Dow, Jr.
)	Magistrate Judge Maria Valdez
)	
v.)	
)	
RICHARD GONZALEZ and ABBVIE INC.,)	
)	
Defendants.)	

**PLAINTIFF’S MOTION FOR A SETTLEMENT CONFERENCE
REQUIRING THE PHYSICAL PRESENCE OF DEFENDANTS
WITH FULL SETTLEMENT AUTHORITY**

Lead Plaintiff Dawn Bradley, by and through her counsel, respectfully ask the Court to schedule a settlement conference and to require the physical presence of a representative for defendants Richard Gonzalez and AbbVie, Inc. (“AbbVie”) with ultimate settlement authority to conclude a settlement negotiation process that has ensued for several months.¹

In support of this motion, Plaintiff hereby states:

1. After nearly four and a half years of litigation, the parties have reached an agreement in principle (the “Agreement”) to settle all the claims in the above-captioned class action (the “Action”), subject to the Court’s approval as required by Fed. R. Civ. P. 23(e).

¹ Consistent with Section C of the Standing Order Regarding Settlement Conferences with Judge Robert M. Dow, Jr., parties with ultimate settlement authority must be physically present at the conference.

2. The Agreement follows a formal mediation process overseen by David Murphy of Phillips ADR,² which included a full-day mediation session on March 14, 2019 and near-daily telephonic negotiations through Mr. Murphy through April 5, 2019, when the preliminary terms of a resolution was achieved. The Agreement was achieved at a stage in the litigation where all fact discovery had been completed, class certification expert discovery had been completed, and Plaintiff's motion for class certification was fully briefed. All parties were well aware of the strengths and weaknesses of the claims.

3. Among the terms of the Agreement, agreed to by all parties, was that the parties would (a) commit to finalize a Stipulation of Settlement and related papers by April 19, 2019 and (b) that the Stipulation of Settlement was subject to approval by AbbVie and that Defendants' counsel would recommend such approval.

4. The parties then worked diligently to negotiate, draft and ultimately reach an agreement upon the Stipulation of Settlement and related documents, including proposed notices to be disseminated to potential members of the class as required by Fed. R. Civ. P. 23(c)(2); proposed claim forms for class members to submit in order to claim a part of the settlement proceeds; a proposed order to preliminarily approve the settlement and implement the notice program; and a proposed final judgment and order.

5. Despite exhaustive efforts by counsel for the parties, the agreed-upon Stipulation of Settlement has not yet been signed, and counsel for Plaintiff believes in good faith that a Settlement Conference with the Court is needed to bring that process to a conclusion.

² Mr. Murphy is an experienced mediator and a retired partner of Wachtell, Lipton, Rosen & Katz. See <http://www.phillipsadr.com/bios/david-murphy/>

6. As provided in Section C of the Standing Order Regarding Settlement Conferences with Judge Robert M. Dow, Jr., an authorized representative of AbbVie and Richard Gonzalez with ultimate settlement authority should be physically present at the conference so that the parties can sign the Stipulation of Settlement and begin the process of seeking the Court's approval of the Settlement under Fed. R. Civ. P. 23(e), following notice to the Class.

7. Mark C. Rifkin, one of the counsel for Plaintiff, held a telephonic meet and confer with Joshua Z. Rabinovitz, one of Defendants' counsel, regarding this motion on June 14, 2019. Mr. Rabinovitz informed Mr. Rifkin that Defendants wished to reserve their right to oppose the motion after seeing the motion once it is filed.

8. For all the foregoing reasons, Plaintiff respectfully requests the Court grant Plaintiff's motion, schedule a settlement conference at the earliest available time, and require the physical presence of a representative of the Defendants with full settlement at the settlement conference.

Dated: June 14, 2019

By: /s/ Jennifer Sarnelli
James S. Notis
Jennifer Sarnelli
GARDY & NOTIS, LLP
Tower 56
126 East 56th Street, 8th Floor
New York, NY 10022
Tel: 212-905-0509
Fax: 212-905-0508

Carl Malmstrom
WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLC
111 W. Jackson Street, Suite 1700
Chicago, IL 60604
Tel: 312-984-0000
Fax: 312-212-4401

Mark C. Rifkin
WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP
270 Madison Avenue
New York, NY 10016
Tel: 212-545-4600
Fax: 212-545-4758

Attorneys for Plaintiff and the Class